

position of the administration's policy and of the facts in connection with the killing of foreigners and the destruction of their property in the distressed republic. Furthermore, this disposition is shared by Democrats equally with the Republicans, a marked change from the conditions which prevailed a short time ago.

The presence of Secretary Bryan before the Senate Foreign Relations Committee did not appear to have any appreciable effect upon the attitude of Senators toward the Mexican situation. Mr. Bryan explained that the department had demanded of Villa that an American be permitted to accompany Mrs. Benton when her husband's body is exhumed. The plan is to have a physician, presumably an army surgeon, perform an autopsy, which might reveal the manner in which Benton was killed.

Senators called the Secretary's attention to the reiterated demands for the protection of American life and property, but he asserted that these were made by "financial interests" and were apparently regarded as of no importance.

At the end of the conference Secretary Bryan asserted that no questions of policy were discussed. Members of the Foreign Relations Committee said that the Secretary of State answered readily all questions of fact and did not appear to be disposed to condone the offenses of Villa. They gained the impression that the State Department was doing its best to deal with circumstances as they arose without, as one Senator expressed it, looking far into the future.

#### Precedents Cited.

It is probable that Senators who are dissatisfied with the trend of events in Mexico will await the outcome of the Benton incident before asking for a more definite declaration of policy from the administration. Numerous precedents are pointed to in justification of the dispatch of an armed force into Mexican territory to recover Benton's body, if that should become necessary.

Mr. Evans, Secretary of State, said in 1878, when a state of warfare existed along the Mexican border: "The first duty of a government is to protect life and property. This is a paramount obligation. For this governments are instituted, and governments neglecting to perform it are worse than useless. This duty the government of the United States has determined to perform to the extent of its power toward its citizens on the border."

Mr. Evans added that the government could not permit marauding bands of Mexicans to plunder United States territory and then take refuge on Mexican soil without fear of pursuit.

Mr. Fish, Secretary of State, wrote to Mr. Belknap, Secretary of War, in 1874: "General Ord will at once notify the Mexican authorities along the Texas border of the great desire of the President to unite with them in efforts to suppress this long continued lawlessness. At the same time he will inform those authorities that if the government of Mexico shall continue to neglect the duty of suppressing these outrages that duty will devolve upon this government, even if its performance should render necessary the occasional crossing of the border by our troops."

Mr. Forsyth, Secretary of State, in a communication to Mr. Ellis, Minister to Mexico, said in 1878: "If Indians whom the United States are bound to restrain shall, under the same circumstances, make a hostile incursion into Mexico, this government will not complain if the Mexican forces who may be sent to repel them shall cross to this side of the line for that purpose."

These excerpts from diplomatic correspondence indicate that the United States recognizes the right of nations to send armed forces into the territory of others where lawlessness prevails. General Villa, having no standing, may be held to be in the same category as the outlaws who were so frequently the subject of dispatches many years ago.

## HENKEL'S JOB MAY LAST FOR LIFE

Friends of U. S. Marshal, Already a Holdover, Working Hard for His Retention.

"When does your term expire?" a Tribune reporter asked of William Henkel, United States marshal, yesterday.

"I do not know that it will ever expire," replied that official, who for more than twenty-five years has been prominent in Republican politics, the most of that time as leader of the 12th Assembly District, and who as a reward for his services to the party was first appointed to his present office by President McKinley on January 13, 1908. His last commission, dated January 15, 1910, was signed by Mr. Taft, so that he has now held over six weeks.

To retain him in his position friends of the marshal have been conducting what is known in the best Federal Building circles as a "gun show" campaign. Indorsements of a majority of those who have sat as District Attorneys and federal judges in this district in the sixteen years that he has held office that now survive have been obtained. So have been the indorsements of a large number of lawyers who have business with the marshal's office, as well as of others prominent in business and social life.

The aid of Democratic politicians has also been invoked, and in the absence of any aggressive Democratic candidate for the place, which pays \$5,000 a year and perquisites, has not been as difficult to obtain as would otherwise have been the case. Mr. Henkel started yesterday to show a Tribune man some of these indorsements, but changed his mind and decided not to say anything about them "until something turns up." What that something was he did not say.

In his sixteen years in office Mr. Henkel has served papers upon many prominent persons, including John D. Rockefeller, who invited him to breakfast; the late J. F. Morgan and Andrew Carnegie, and has had as his prisoners such noted personages as Cassie Chadwick, Charles W. Morse, F. Augustus Heinze, Whitaker Wright, the English promoter, who committed suicide when found guilty of enormous frauds, and "Lipso the Wolf," the noted Italian counterfeiter. Friends of the latter served notice of death upon Mr. Henkel by sticking a dagger in the wall of his office. He is reputed to be one of the wealthiest men in the local federal service.

"The True Dope on Snuffy" is the title of the Torchy story in the Sunday Magazine of The New-York Tribune March 1—the tale of a clerk in the Corrugated Trust's office that was discovered by Fiddle to be the nephew of a Western millionaire. This made a profound impression on the rest of the office force, particularly when Snuffy received handsome presents from his distinguished relative. The denouement is a scream.

## BAUCH STILL IN JAIL, BROOKLYN MAN SAYS

A. Michaelis, Released at Juarez, Reaches El Paso with Story.

OTHERS CONTENT THAT HE IS DEAD

British Consul to Investigate Benton's Death To-day—Body Still Missing.

[By The Associated Press.]  
El Paso, Tex., Feb. 25.—A. Michaelis, who said he lived at No. 256 Vernon street, Brooklyn, and his father was a director of the Union Trust Company, of Brooklyn, was released from the Juarez jail to-night. He said that Gustav Bauch, an American citizen, who was supposed to have been executed by Pancho Villa's orders, was still in jail.

Michaelis was arrested eleven days ago, he said, after a fist fight. In jail, he said, were the following Americans besides Bauch: Edward Traband, Matt Giddins, H. T. Davis, V. E. Goodman and a railroad man named Thornton.

[By Telegraph to The Tribune.]  
El Paso, Tex., Feb. 25.—Gustav Bauch, an American citizen, about whose fate there is much mystery, according to the testimony of those who are willing to be quoted, was executed by order of Pancho Villa before the departure of the rebel chief for Chihuahua City. Villa said that Bauch was taken to Chihuahua and there released, but this is not borne out by the investigations which have been made.

Reyes Chavez, who was one of the prisoners taken to Chihuahua by Villa, says Bauch was not among them. Marion Lecher, American Consul in Chihuahua, has not been able to find any evidence that Bauch was among the prisoners. W. J. Gallivan, an American, who was held for ten days in the Juarez jail on suspicion of being a spy, was released to-day. He knew Bauch.

"Bauch was taken out of the jail early one morning of last week," he said. "He was not returned to the prison. That was after Villa had left Juarez."

#### Says He Saw Execution.

Francisco Flores, who lives in Juarez, but works in El Paso, says he knew Bauch, and he "saw Bauch shot in the outskirts of Juarez on Wednesday morning of last week."

Bauch's sister, Mrs. J. M. Patterson, sent an appeal to-day to Governor Colquhoun asking him to aid in determining the fate of her brother, and telling him she had appealed to T. D. Edwards, American Consul, and Secretary Bryan, but had received no satisfaction.

A petition to Secretary Bryan urging a thorough investigation of the Bauch case was circulated here to-day, and received several hundred signatures. Bauch's friends say he was innocent of the charge made by Villa and that his execution was not justifiable.

Mrs. J. M. Patterson, sister of Bauch, was called to Juarez to-night for a conference with local officials concerning her brother's disappearance.

Official investigation of the death of William S. Benton, an examination by an American army surgeon of the body, if it can be found, and an inquiry into all the incidents leading up to and following the visit of Benton to Villa and his death are to be made to-morrow. Arthur Charles Percival, British Consul at Galveston, will reach El Paso then, according to telegrams received from him to-day.

Local officials in Juarez and General Pancho Villa, at Chihuahua, have been officially informed of his coming and the purpose of his visit, and Villa, it is said, will offer no objection to the investigation, but it is regarded as improbable that the British Consul will be able to find Benton's body.

#### Body Still Missing.

There are many conflicting reports concerning the whereabouts of the body of the Scotch ranch owner. It is believed by many that it could not now be found. Villa, in a statement given out in Chihuahua, is quoted as saying he took Benton's body to Chihuahua with him "in a fine casket, in my private car, and gave it a Christian burial in the National Cemetery. I will not consent to its removal from Mexico, but I am willing that relatives and American friends of Benton should see the body."

Those who saw Villa leave Juarez for Chihuahua assert that he took no coffin on the train. Reyes Chavez, one of the eighteen prisoners taken by Villa to Chihuahua and released there, has reached El Paso, and says there was no coffin on the train. People living near Villa's Juarez headquarters say they saw a body, thought to be that of Benton, burned in the yard. Other Mexicans say Benton's body is buried in the Juarez cemetery, but they are unable to point out the grave. The theory which is more generally accepted here by Americans is that Benton's body was burned.

It was learned here to-day that a dispatch from Villa was sent to Washington last night, and it is said it was sent direct to Secretary Bryan in regard to the Benton affair, as the rebel leader would not trust it even to American consular representatives.

Upon the arrival of Sir Charles Percival, the British consular representative, the official investigation of Benton's death will be started. General Hugh L. Scott, commander at Fort Bliss, had not been advised to-night by the War Department to detail an army surgeon or escort of officers for the British representative when he goes to Juarez, but was expecting a dispatch.

Luis Cabrera, confidential representative of Carranza, caused two rebel officials to be sent from Juarez to Chihuahua to-day to confer with Villa and urge him to surrender the body of Benton, as requested by the United States. Cabrera told the rebels in Juarez the Benton case should have the fullest possible publicity, in justice to the rebel cause.

Ulster Has More Rifles Than Men to Man Them

London, Feb. 25.—The Dublin correspondent of "The Times" learns on good authority that the Ulster volunteers have more rifles than volunteers in some counties, and that they possess sixty machine guns.

#### Plumley to Quit Congress.

Montpelier, Vt., Feb. 25.—Frank Plumley announced to-day that he would not be a candidate for re-election to Congress from the 2d District. He will be seventy-one years old at the end of the 63d Congress and wishes to retire. He is a Republican.

## HUERTA OUTLINES HIS UTOPIAN PEACE PLANS

Intends to Hold Office Until Death, Believing That Destiny Has Made Him Mexico's Savior.

EXPECTS TO WIN CONFIDENCE OF U. S.

Elections for July and Distribution of 10,000,000 Acres of Land Among Poor Part of His Dream, as Told Tribune Correspondent.

#### By PHILIP H. PATCHIN.

Mexico City, Feb. 25.—From a high official of the Mexican government, a man closer to President Huerta probably than any other person in his official family, I obtained to-day an outline of these views and intentions, particularly with regard to President Wilson's demand that he retire and his plans for the future. Huerta is determined not to resign. He believes that if he can continue to keep in office through the storms he can hold elections, the result of which will not only merit but will obtain approval from Washington.

#### Lesson for United States in July.

He does not appear to realize fully that President Wilson has absolutely turned his face against him. These are Huerta's plans as outlined to me:

First—He firmly intends to retain the office of President until he is removed by death, intervention or the rebels. He has health; he does not fear assassination; he does not think any foreign nation will step in, and he laughs when one speaks of the rebels ousting him.

Second—He counts on eventually pacifying the country. His confidence in this is extreme, and he is directing all his energies entirely in this direction.

Third—He hopes to hold elections in July and show the United States that Mexico is well able to run itself.

Fourth—He hopes to establish by a farseeing policy, on which he is working, a true democracy. He is certain of his ability to accomplish this, even though every ruler since 1857 has failed, largely through the fact that the Indians, who constitute such a large part of the population, are totally incapable of grasping even the elements of politics. When President Madero attempted this by testing the views of the Indians on the subject they wanted to know if "democracy was Mrs. Madero." Huerta thinks he can so enlighten the Indians that they will be fitted to participate in pacifying Mexico.

Fifth—He intends when—or if—he has accomplished these things to effect a distribution of government lands. About 10,000,000 acres would be disposed of to about that number of persons. The states that would be affected are in the north, and the principal ones are Chihuahua, Sonora, Sinaloa, Coahuila and Durango. Land in these five states brings now about \$4 an acre. Huerta would have to condemn the land and fix the government purchase price by a commission and then place the land at auction. It is on this feature that he counts much. The present struggle began because of the land squabble, and Huerta thinks that if he promises to distribute the lands he can win the majority of Mexicans to his side.

Sixth—Should every one of his plans work out successfully Huerta is confident that President Wilson will recede from his present position and grant to Huerta the recognition for which he is fighting.

#### Must Have U. S. Confidence.

Huerta does not take the stand that Mexico can get along without recognition from Washington. He is exceedingly eager to obtain it. He wants the support of the United States, but he contends that he has not received just treatment from President Wilson. That Washington holds aloof from a government that has not succeeded in stifling disorder would not, he thinks, be open to such severe criticism from the country involved were the circumstances otherwise. President Wilson's theory is all right in the United States, he holds, but in the circumstances cannot be worked out in Mexico.

In Huerta's eyes, Mexico's only salvation is Huerta. And he is thoroughly confident of his ability to carry out his plans. Whether he can do it is a matter of grave doubt here, especially among the foreigners. I have made diligent inquiry among those persons who know Mexico best, and this has shown me that there is a general conviction that the Federal leader is now unable to pacify the country completely and that there is little likelihood of this condition showing any improvement.

He would have to restore order throughout each state so that "honest" elections would be possible, and every person except Huerta seems to realize what a task that is. There is no doubt that he has a larger army and a better army than the rebels have, but it is rotten from top to bottom. Several of his generals are dishonest; they are more for themselves than for Huerta. And Huerta knows it, but he is in no position to get rid of them. Should he dismiss them at this time he would be placed in a most embarrassing situation from a military point of view, and it is probable that his army would quickly disintegrate. So that makes his problem all the greater.

The most difficult feature of the situation lies in the campaign against the hands of rebels that roam the northern provinces. In almost every case these bands are large and well equipped to move rapidly, so it is hard for Huerta to figure out any plan of fighting them. And if Huerta, failing to defeat them

in battle, cannot pacify these rebels, his whole programme, no matter how ardent he desires to bring about order, will collapse. He may try to hold elections in the hope that the belligerents will fall into line, but these elections will never be honest, as we understand honest elections in the United States, and no other sort of elections will satisfy President Wilson.

The politicians here are opposed to Huerta's plan for a "true democracy." This is not alone because they know it would be hard to bring about, but because of the power they now enjoy over the great body of Indians, who are densely ignorant. When they vote it is as their employers or the soldiers dictate. They are not ready for honest government. To obtain even a slight similarity to honest balloting it would be necessary to place United States soldiers at every polling place.

But before anything is done with the lower class it will be necessary to train the upper class in civic virtue. The good lesson that President Wilson is giving to the Mexican politicians must certainly result helpfully to Mexico, when Mexico learns two things. She must realize that honest elections will eliminate most of her trouble, and she must realize that no matter what the result this result must be respected.

#### Many Self-Seeking Politicians.

A fair sample of how results were treated was given after some of the elections for Governor held under Madero, which came closer to being absolutely fair than any other contests in the history of the country. When the voting was over the defeated candidates went on the warpath to demonstrate that bravery and not the majority of votes was the requisite for good leadership.

As for the revolution itself, it is a startling fact that just about 1 per cent of the population is engaged in the struggle, while the rest of the people are made to suffer through warfare waged by self-seeking politicians. Approximately 100,000 men are under arms in Mexico. A great many of these "patriots" were pressed into the service by force in the north and the south. They were content to remain out of the conflict. They signed for no honors and bullets of the battlefield, but they were not permitted to remain at home in peace. Fearing death, they enlisted. They are always seeking an opportunity to desert.

In the last week fully 3,500 men were picked up on the streets and compelled to enter the ranks. Even women are forced to go along with the soldiers to look after the food and other supplies. So there is little real patriotic spirit among the soldiers, and there cannot be in a war provoked and continued to satisfy the ambitions of a few selfish men. The strong men engaged in the conflict are remaining in the background. They seem to fear to speak or make any move that will result in good to Mexico. As an American student of the situation remarked, "Mexico is like a big balloon; it is full of gas, but there aren't enough men in the basket to guide it."

Huerta's whole attitude is interesting. He is endeavoring to the utmost to maintain the friendliest relations with the United States, and I have met no one who will admit that he heard Huerta indulge in any violent criticism of President Wilson. He seems particularly eager to protect Americans. On more than one occasion he has ordered the release of imprisoned Americans merely on the unofficial request of Nelson C. Shaughnessy, the United States chargé d'affaires here.

Personally Huerta gives one the impression of great courage. Knowing as well as any other person that the city is full of Madristas and others who hate him, who hate him heartily and would cheerfully assassinate him were the opportunity to escape afforded, he goes about freely, visiting all the principal cafes and restaurants without the slightest apparent fear. His daring seems to be enough to awe his enemies.

Mr. Mitchell's Strong Speech.

After others spoke against the bills, Mayor Mitchell led the fight for their passage. He began by saying the bills would solve the problem of how to get an honest and efficient police service.

"We have long been seeking the remedy, and we have had many investigations," continued the Mayor, "with the result of the removal of one or more members of the force, leaving the 'system' undisturbed."

"This 'system' exists to-day with the same power and influence over the force as in Lexow's time. We want laws that will give the police commissioner added authority to remove members of the force without court review."

The Mayor, however, said he would agree to amending the bills so as to give the policeman the privilege to be confronted with his accusers and to examine them under oath.

"What we want," he said, "is to get control of the system and to put an end to the belief cherished by the policemen that their duty is to one another and not to the city government. I come to you to urge the passage of these bills as the representative of the City of New York and the overwhelming sentiment of the citizens of New York. They will solve that vexed problem, whose record is long and not very creditable. We have had disclosures of the workings of the 'system' in the police department. You may call it what you please, but no man who has studied the question denies it is there and in a condition of rotteness. The 'system' is untouched by investigation."

He then referred to Mayor Gaynor's police policy, which some believed led to a situation of the problem.

"I one morning we woke up and read in the morning of Rosenthal, and the investigation by District Attorney Whitman showed the world the 'system' was still in existence."

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## "SYSTEM" OPPOSES, SAYS MR. MITCHELL

Mayor at Albany Declares Police Would Block Proposed Legislation.

JEROME AND HEDGES ATTACK THE BILLS

Declare Dictum Can't Regenerate Police Department—Mitchell Makes Strong Plea.

[By Telegraph to The Tribune.]  
Albany, Feb. 25.—Mayor Mitchell before a hearing of the Joint Cities Committee on the police bills in the Senate Chamber to-day openly charged the "system" with being behind the opposition.

"Gentlemen," said the Mayor in closing, pointing his finger at the assembled legislators, "the issue now rests with you. The eyes of the cities and the state are on you. Are you going to get behind the efforts of the city administration to break the 'system' and to provide a constructive policy for the Police Department, which will make it the great engine for social service it should be, or is the Legislature of this state actually going to ally itself with the forces behind the 'system' which has bred Becker and his like?"

The applause which greeted the Mayor's closing plea lasted a minute, despite the efforts of Senator Cullen, who presided, to restore order.

Before the hearing on the bills the Mayor, heading a delegation of men prominent in New York's business, professional and civic life, called on Governor Glynn and urged him to send a special message to the Legislature urging the passage of the bills.

Among those in the delegation, most of whom spoke for the bills later, were District Attorney Cropsey of Brooklyn, Otto T. Bannard, Jacob H. Schiff, St. Clair McKelway, Charles H. Strong, Robert S. Binkerd, Henry Clevins, Chester B. Lawrence, John H. Brown, L. A. M. Sellman, Frederick B. de Berard, L. A. Tanager, William Lieberman, J. Haviland, Jr., Lucien E. Knapp, Ira H. Le Veen, Joseph E. Keane, Elmer C. Sammis and John A. Wilbur.

The majority of the delegation came as representatives of various civic bodies, such as the Chamber of Commerce, the City Club and the Merchants' Association. There was a little opposition to the bills. With the exception of three speakers, all the opposition was from lawyers who were retained by the police to fight the measure, two representatives of police weeklies.

#### Jerome and Hedges Oppose.

Job E. Hedges and William Travers Jerome, two who spoke against the bills, said they represented no one but themselves.

"I represent myself and my own conclusions," said Mr. Hedges. "The bills are not in the interest of good administrative government. I recognize no analogy between the army and the Police Department, and I see no reason why Colonel Goethals or any other army man should be at its head."

"I deny that a dictum can regenerate the Police Department. I deny any heavenly qualities in Colonel Goethals. I believe there are many things about New York that Colonel Goethals doesn't know, and I believe there are some things about New York that even Mayor Mitchell doesn't know. I have no doubt that the police commit perjury to keep each other on the force. The trouble with the force is that it is a human clinic operated on and before periods of political activity."

Mr. Hedges referred to the reversal of the Becker verdict and sentence as one of the most remarkable decisions handed down since the Civil War. He said it insured a man a fair trial regardless of the atmosphere existing at the time of his trial.

Mr. Jerome also referred to the Becker case, saying: "The history of these reinstatements of policemen throws as much ignominy on the trial commissioner of Police Headquarters as this decision of the Court of Appeals yesterday does on the conduct of a Justice of the Supreme Court."

Mr. Jerome confined most of his address to an attack on Mr. Schiff, Mr. Clevins and others he saw sitting around the Mayor, and who were waiting for their side to be heard.

"The knowledge of police problems possessed by Mr. Schiff and Mr. Clevins," said the former District Attorney, "is confined to the policeman who helps them across the street at Broad and Wall, and who expedites their automobiles when they are caught in a traffic jam."

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interest and in the interest of those who are behind them. It is a silent, quiet resistance to authority, order and the law. "We had an example of it a year ago at the police lieutenants' dinner, when they cheered Inspector Sweeney, then under indictment, to the echo because he refused to tell Mr. Whitman what he knew of the 'system.' By that action it placed itself in rebellion against the Commissioner, the law and the community. It was a demonstration of the 'system' which I am trying to break."

In reply to a question of Senator Fawcett, who conducted a sort of hostile cross-examination of the Mayor, his honor said:

"The great bulk of patrolmen are honest, but as things are now in the department it is difficult, almost to the point of impossibility, as the result of the 'system,' for a policeman to give spontaneous service to the city."

Superiors Corrupt Police.

He then cited cases to show how young policemen were corrupted by their superiors. And to show how the "system" followed to the grave one who had betrayed its law, he told of the case of Captain Walsh, who confessed to District Attorney Whitman.

"Not one member of the Police Department attended Captain Walsh's funeral," said the Mayor. "That's how the 'system' works."

He said the community now demanded that laws be passed that the Police Department may be purged.

"The operation of the 'system' and its entrenchment behind judicial decisions have prevented the honest majority in the Police Department from casting out the few grafters."

"New York now has before it a programme and a man to do this. The programme stands on its own bottom, regardless of the man."

Here Senator Fawcett wanted to know if he had assurances that Colonel Goethals would accept. Mayor Mitchell replied he had and read the letter from the builder of the Panama Canal. The bills, he said, would make the police force responsible to the administration, and answering the argument of the opposition, that the policeman had a property right in his job, he said the policeman, like every other employee, had no inherent or constitutional right in his job.

"You can wipe out disorderly houses if these bills are passed," asked Mr. Fawcett, with seeming innocence.

"I'm making no such absurd charge," replied the Mayor. Then, in answer to another question from Fawcett, he said: "I don't doubt anybody doubts policemen are restored on mere technicalities. Perhaps it is not amiss that this reversal in the Becker case should have come today. It makes my point clear. The case will go back to a trial court, and, in view of the reversal, we cannot assume that Becker is guilty, but ought to assume that he ought not to go back into the department."

"Oh, we all agree with you on that," said Fawcett.

"But," replied the Mayor, "if Becker is not convicted on a retrial he will go back on the force, and there is not a thing we can do to prevent it."

"But, that should not apply to patrolmen," said Fawcett.

"It does," said the Mayor, "and it establishes my case. What was disclosed at the Becker trial and at the trials of the four inspectors that Whitman sent to the penitentiary are arguments in favor of these measures."

Then followed another cross-examination of the Mayor by Fawcett, in which he said the next charter amendment that came from the city would embody a re-creation of the Mayor. "I'm for the recall," he added.

"Isn't gambling and disorderly houses the real trouble in New York?" asked Fawcett.

"No," said the Mayor.

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